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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,746	11/25/2003	Jac Chul Ryo	9988.084.00-US	3108
30827 7590 10/03/2007 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			EXAMINER RIGGLEMAN, JASON PAUL	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/720,746

Applicant(s)

RYO, JAE CHUL

Examiner

Jason P. Riggleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Foreign reference.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/7/2007 has been entered.

### ***Status of Claims***

2. Applicant's amendments filed 8/7/2007 have been received. Current pending claims are 1-9. Claims 1-6 are amended. Claims 7-9 are previously presented.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention. The phrase "predetermined speeds greater than zero" is not in the original disclosure.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (Korean Patent Publication No. 10-1999-0040915) in view of Billings et al. (US Patent No. 3078700).

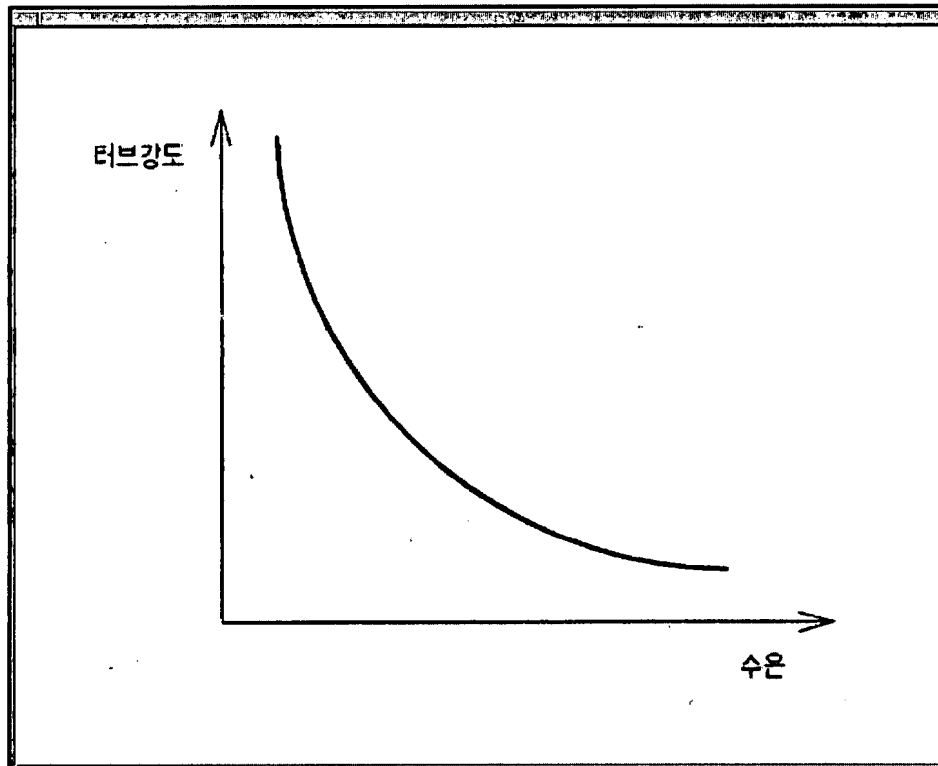
8. Kim et al. teaches a washing machine control method having steps of supplying water to a tub for performing a final operational step (dehydration). The water is drained from the tub. The water temperature is sensed and a dewatering speed is selected from a plurality of speeds, greater than zero, wherein the dewatering speed is selected based on the sensed water temperature, paragraphs 27-29 of English machine translation. The dewatering takes place according to the selected dewatering speed. The dewatering is performed according to a first dewatering speed (650 rpm) when the sensed temperature exceeds a predetermined temperature,  $T_0$ . The dewatering is performed according to a second dewatering speed (800 rpm) if the sensed temperature is less than a predetermined temperature,  $T_0$ , where the second speed is greater than the first speed. The final operational cycle (final cycle) is a rinsing cycle.

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**9.** In regards to claim 1, Kim et al. does not teach measuring the temperature of the water as it drains from the tub; however, Billings et al. teaches measuring the temperature of the water as it drains from the tub (Column 4, Lines 55-62). The water temperature is measured accurately as it flows to the drain. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim et al. with Billings et al. to create a tub deformation-controlled washing machine which measures the temperature accurately to achieve the expected result.

**10.** In regards to claims 3-4, Kim et al., as modified by Billings et al., does not teach that the second speed is 1,000 rpm or that the first speed is 700 rpm; however, it has been held that a cause effective variable is not patentable (*In re Woodruff* 16 USPQ2d 1934): It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim et al., as modified by Billings et al., to find the optimum first and second dehydration speeds to limit the amount of plastic tub deformation as illustrated

in the deformation vs. temperature graph of the Fig. 2 in Kim et al. (see below).



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11. In regards to claim 5, Kim et al., as modified by Billings et al., does not teach that the first speed is selected from a plurality of dewatering speeds; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim et al., as modified by Billings et al., to create a washing machine method that can control the tub deformation by adjusting the first dewatering speed with the water temperature to achieve the expected result. It would have been especially obvious to have a plurality of first dewatering speeds since this variable limits tub deformation at the corresponding high temperatures, paragraphs 27-29, of English machine translation.

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**12.** In regards to claim 9, Kim et al., as modified by Billings et al., does not teach a final cycle being a washing cycle; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle* 188 USPQ 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim et al., as modified by Billings et al., to create a temperature-controlled dewatering speed that reduces tub deformation for any dewatering operation in the processing of the clothing to achieve the expected result.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Riggleman whose telephone number is 571-272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Riggleman  
Examiner  
Art Unit 1746

JPR



**MICHAEL BARR**  
SUPERVISORY PATENT EXAMINER